

1 JEFFREY M. RATINOFF (SBN 197241)
Email: jeffrey.ratinoff@klgates.com
2 KARINEH KHACHATOURIAN (SBN 202634)
Email: karineh.khachatourian@klgates.com
3 K&L GATES LLP
630 Hansen Way
4 Palo Alto, CA 94304
Telephone: (650) 798-6700
5 Facsimile: (650) 798-6701

6 Attorneys for Plaintiff/Counter-Defendant,
CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC.
7

8 ALFRED C. FRAWLEY (*pro hac vice*) (Maine Bar No. 2547)
Email: afrawley@preti.com
9 WILLIAM D. HAGEDORN (*pro hac vice*) (SBN 199322)
Email: whagedorn@preti.com
10 PRETI, FLAHERTY, BELIVEAU & PACHIOS, LLP
One City Center, P.O. Box 9546
11 Portland, Maine 04112-9546
Telephone: (207) 791-3000
12 Facsimile: (207) 791-3111

13 Attorneys for Defendants,
DONG YOUNG DIAMOND INDUSTRIAL CO., LTD,
14 AND DONGSOO LEE

15
16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 CONTINENTAL D.I.A. DIAMOND
PRODUCTS, INC., a California corporation,

19 Plaintiff,

20 vs.
21

22 DONG YOUNG DIAMOND INDUSTRIAL
CO., LTD., a South Korean company,
23 DONGSOO LEE, an individual, and DOES 1-
24 10, inclusive,

25 Defendants.
26

27 AND RELATED COUNTERCLAIMS.
28

Case No. CV 08-2136 SI

**STIPULATED INJUNCTION AND
CONSENT DECREE**

Judge: The Honorable Susan Illston

1 WHEREAS, Plaintiff and Counter-Defendant Continental D.I.A. Diamond Products, Inc.
2 (“Continental” or “Plaintiff”), Defendants and Counterclaimants Dong Young Diamond Industrial
3 Co., Ltd. and Defendant DongSoo Lee (collectively “Defendants”) have resolved the disputed
4 between them in this civil action through a confidential settlement agreement, executed on February
5 24, 2010 (“the Settlement Agreement”), hereby stipulate and consent pursuant to Fed. R. Civ. P.
6 41(a)(1)(ii), 41 (c), and 54, by their undersigned counsel, to the following stipulated permanent
7 injunction and consent decree (the “Stipulated Injunction”):

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

9 1. This Court has jurisdiction over the parties to this Stipulated Injunction and the
10 subject matter of this Civil Action.

11 2. Venue properly lies in this Court to adjudicate the issues set forth in this Civil
12 Action.

13 3. Continental is the owner of all rights throughout the United States of America to the
14 trademark and trade name and logo comprising “Continental D.I.A. Diamond Products, Inc.”
15 (“Trade Name” or “Continental Logo”) at common law from and after said date. A true and correct
16 copy of the Continental Logo is attached hereto as Exhibit A.

17 4. Continental has acquired trademark rights to and is the owner of all rights throughout
18 the United States of America to the following trademarks: “TERMINATOR”, Reg. No. 2,497,482;
19 “TERMINATOR XTREME”, Reg. No. 3,028,708; “TERMINATOR G5”, Reg. No. 3,083,811; and
20 “TERMINATOR ZOOM”, Reg. No. 3,581,253 (hereinafter collectively referred to as “the
21 TERMINATOR® marks”). True and correct copies of these registration certificates are attached
22 hereto as Exhibits B through E.

23 5. Continental has acquired trademark rights to and is the owner of all rights throughout
24 the United States of America of certain distinctive flame pattern trademarks, both at common law
25 from and further by virtue of registration with the United States Patent and Trademark Office,
26 including Flame Pattern Mark, Reg. No. 3,500,842, (collectively “Terminator Flame Marks”). True
27 and correct copies of the Terminator Flame Marks are attached as Exhibits F-I and the registration
28 certificate is attached hereto as Exhibit J.

1 6. Continental is the author and owner of the copyrights in the distinctive flame
2 patterns, registered as Certificate of Registration Nos. VA0001225714 and VA0001244829. True
3 and correct copies of which attached hereto as Exhibits K and L.

4 7. Continental's rights referred to herein in Paragraphs 3-6 are good and valid in law
5 and equity.

6 8. Continental owns certain confidential and proprietary information identified in the
7 Parties' Settlement Agreement ("Proprietary Information") that Defendants were contractually
8 bound not to discuss, disclose or use other than as provided by agreement between the parties.

9 9. Dong Young Diamond Industrial Co., Ltd. and DongSoo Lee, and their parents,
10 subsidiaries, affiliates, shareholders, officers, directors, agents, servants, employees, privies, heirs,
11 successors, assigns and all persons in active concert or participation with them, shall be and are
12 hereby and forever restrained and enjoined as follows:

13 a. Defendants shall not copy, disseminate, reproduce, affix or use any of
14 Continental's trade name, logos, marks and copyrights identified in Exhibits A through L (the
15 "Continental Marks and Copyrights") in any manner or for any commercial purpose, including but
16 not limited in the solicitation of actual or potential customers;

17 b. Defendants shall not disseminate or use images of any of the products
18 identified in the Settlement Agreement ("Continental Products") in any manner or for any
19 commercial purpose other than for comparative advertising to the extent permitted under
20 California's Unfair Competition Law, Cal. Bus. & Prof Code §§ 17200 *et seq.*, and the Lanham Act,
21 15 U.S.C. §§ 1051 *et seq.*;

22 c. Defendants shall not discuss, disclose or use any of Continental's Proprietary
23 Information;

24 d. Defendants shall not manufacture or sell products identical in color,
25 appearance and design, or specification (including bond formulae and diamond concentration) to the
26 Continental Products and shall not use or infringe upon Continental's Proprietary Information in the
27 manufacturing or sale of Defendants' products;

28 e. Defendants shall not make any statements or representations concerning

1 Continental or the Continental Products that would lead actual or potential customers to believe that
2 Defendants have access to or the right to use any of Continental's Proprietary Information;

3 f. Defendants shall not engage in any conduct or make any representations that
4 would lead actual or potential customers to believe that Defendants manufacture any products for
5 Continental, that Defendants were or are a source of the Continental Products, and shall not
6 otherwise make statements that are likely to cause consumer confusion concerning the source of the
7 Continental Products;

8 g. Defendants shall either destroy or turn over to Continental all documents,
9 electronic files and things evidencing, reflecting or containing Continental's Proprietary
10 Information within fifteen (15) court days of entry of this Stipulated Injunction;

11 h. Defendants shall destroy all molds used to manufacture any Continental
12 Products within fifteen (15) court days of entry of this Stipulated Injunction; and

13 i. Defendants shall destroy all products and materials bearing any of the
14 Continental Marks and Copyrights within fifteen (15) court days of entry of this Stipulated
15 Injunction.

16 10. In the event Defendants violate the aforementioned permanent injunction, or in the
17 event of a default for non-payment as set forth in the Settlement Agreement that is not cured within
18 fifteen (15) court days thereof, Continental shall be entitled to further entry of a final judgment as
19 follows:

20 a. Final judgment shall be entered in favor of Plaintiff and against Defendants
21 on Plaintiff's claims for breaches of contract, copyright infringement (17 U.S.C. § 101 et. seq.),
22 trademark infringement (15 U.S.C. § 1114); unfair competition (15 U.S.C. § 1125(a)), and unfair
23 business practices (Cal. Bus. & Prof. Code § 17200 et. Seq.); and

24 b. Final judgment shall be entered in favor of Plaintiff against Defendants in the
25 amount of one million three hundred thousand U.S. Dollars (\$1.3 million USD), inclusive of all
26 damages and costs, and with each party to bear its own attorneys' fees to this date (subject to any
27 allocation of attorneys' fees for post-judgment activities as law may allow).

28 11. Continental and Defendants respectfully request that the Court direct the parties to

1 perform each of the obligations set forth in the parties' Settlement Agreement, and incorporate the
2 terms of the Settlement Agreement into the Stipulated Injunction by reference. Continental and
3 Defendants further request that the Court expressly retain jurisdiction over them for the purposes of
4 enforcing this Stipulated Injunction and the parties' Settlement Agreement, as well as entry of a
5 further judgment enumerated in Paragraph 10, if required.

6 12. All remaining claims for relief in this action, including all counterclaims by
7 Defendants, are hereby dismissed with prejudice, and with each party to bear its own fees and costs.

8 **IT IS SO STIPULATED.**

9 Dated: February 26, 2010 K&L GATES LLP

10
11 /s/ Jeffrey M. Ratinoff

12 By: JEFFREY M. RATINOFF

13 Attorneys for Plaintiff/Counter-Defendant,
14 Continental D.I.A. Diamond Products, Inc.

15 Dated: February 26, 2010 PRETI FLAHERTY BELIVEAU & PACHIOS, LLP

16 /s/ Alfred C. Frawley

17 By: ALFRED C. FRAWLEY

18 Attorneys for Defendants/Counterclaimants,
19 Dong Young Diamond Industrial Co., Ltd., and DongSoo Lee

20 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

21 Concurrence in the filing of this document has been obtained from the other signatory.

22 Dated: February 26, 2010 K&L GATES LLP

23 /s/ Jeffrey M. Ratinoff

24 By: JEFFREY M. RATINOFF

25 Attorneys for Plaintiff/Counter-Defendant,
26 Continental D.I.A. Diamond Products, Inc.

1 **JUDGMENT**

2 **NOW, THEREFORE, PURSUANT TO STIPULATION, IT IS SO ORDERED,**
3 **ADJUDGED AND DECREED THAT** a permanent injunction be entered in the form identified
4 above against Defendants and Counterclaimant Dong Young Diamond Industrial Co., Ltd. and
5 Defendant DongSoo Lee (collectively "Defendants") in favor of Plaintiff and Counter-Defendant
6 Continental D.I.A. Diamond Products, Inc. ("Continental" or "Plaintiff"). Subject to the terms
7 governing the entry of judgment in favor of Plaintiff against Defendants, all remaining claims for
8 relief in the above-captioned action, including all counterclaims by Dong Young Diamond
9 Industrial Co., Ltd. and DongSoo Lee, are hereby dismissed with prejudice, with each party to bear
10 its own fees and costs.

11 Continental and Defendants are hereby directed to perform each of the obligations set forth
12 in the parties' Settlement Agreement executed on February 24, 2010, the terms of which are
13 incorporated herein by reference. This Court shall retain personal and exclusive jurisdiction over
14 Continental and Defendants for the purpose of enforcing or interpreting any portion of the
15 Stipulated Injunction or Settlement Agreement. Said jurisdiction may be invoked by or against any
16 party hereto by filing a limited request to re-open Case No. CV 08-2136 SI, which request shall
17 specifically identify the provision of the Stipulated Injunction or Settlement Agreement in question
18 and the nature of the dispute or disagreement.

19 Dated: 3/1/10
20

21 
22

23 THE HONORABLE SUSAN ILLSTON
24 UNITED STATES DISTRICT COURT JUDGE
25
26
27
28

EXHIBIT A



EXHIBIT B

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

Reg. No. 2,497,482

United States Patent and Trademark Office

Registered Oct. 16, 2001

**TRADEMARK
PRINCIPAL REGISTER**

TERMINATOR

**CONTINENTAL D.I.A. DIAMOND PRODUCTS,
INC. (CALIFORNIA CORPORATION)
3021 TEAGARDEN STREET
SAN LEANDRO, CA 945775720**

**AND TILE INDUSTRY, IN CLASS 7 (U.S. CLS. 13, 19,
21, 23, 31, 34 AND 35).**

FIRST USE 12-0-1997; IN COMMERCE 12-0-1997.

**FOR: DIAMOND CONTAINING POWER SAW
BLADES, BITS FOR POWER DRILLS AND POWER
GRINDING WHEELS ALL FOR USE IN THE MAR-
BLE, GRANITE, CONCRETE, ASPHALT, ROOFING**

SER. NO. 75-648,086, FILED 2-25-1999.

ANDREW BAXLEY, EXAMINING ATTORNEY

EXHIBIT C

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

United States Patent and Trademark Office

Reg. No. 3,028,708

Registered Dec. 13, 2005

**TRADEMARK
PRINCIPAL REGISTER**

TERMINATOR XTREME

CONTINENTAL D.I.A. DIAMOND PRODUCTS,
INC. (CALIFORNIA CORPORATION)
SUITE 18
1300 INDUSTRIAL ROAD
SAN CARLOS, CA 940704130

FOR: POWER SAW BLADES CONTAINING DIAMONDS, BITS FOR POWER DRILLS CONTAINING DIAMONDS, POWER GRINDING WHEELS CONTAINING DIAMONDS AND POLISHING PADS CONTAINING DIAMONDS, ALL FOR USE IN THE MARBLE, GRANITE, CONCRETE, ASPHALT, ROOFING AND TILE INDUSTRY, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 9-13-2004; IN COMMERCE 9-13-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,497,482.

SER. NO. 78-516,409, FILED 11-12-2004.

GIANCARLO CASTRO, EXAMINING ATTORNEY

EXHIBIT D

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, and 35

Reg. No. 3,083,811

United States Patent and Trademark Office

Registered Apr. 18, 2006

**TRADEMARK
PRINCIPAL REGISTER**

TERMINATOR G5

CONTINENTAL D.I.A. DIAMOND PRODUCTS,
INC. (CALIFORNIA CORPORATION)
SUITE 18
1300 INDUSTRIAL ROAD
SAN CARLOS, CA 940704130

FIRST USE 5-4-2004; IN COMMERCE 5-4-2004.

FOR: POWER SAW BLADES CONTAINING DIA-
MONDS, BITS FOR POWER DRILLS CONTAINING
DIAMONDS, POWER GRINDING WHEELS CON-
TAINING DIAMONDS AND POLISHING PADS
CONTAINING DIAMONDS, ALL FOR USE IN THE
MARBLE, GRANITE, CONCRETE, ASPHALT,
ROOFING AND TILE INDUSTRY, IN CLASS 7
(U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,497,482.

SN 78-516,408, FILED 11-12-2004.

GIANCARLO CASTRO, EXAMINING ATTORNEY

EXHIBIT E

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, and 35

United States Patent and Trademark Office

Reg. No. 3,581,253

Registered Feb. 24, 2009

**TRADEMARK
PRINCIPAL REGISTER**

TERMINATOR ZOOM

CONTINENTAL D.I.A. DIAMOND PRODUCTS,
INC. (CALIFORNIA CORPORATION)
653 PILGRIM DRIVE
FOSTER CITY, CA 94404

FOR: POWER-OPERATED TOOLS AND ACCESSORIES FOR USE IN THE MARBLE, GRANITE, CONCRETE, ASPHALT, ROOFING AND TILE INDUSTRIES, NAMELY, POWER SAW BLADES CONTAINING DIAMONDS, BITS FOR POWER DRILLS CONTAINING DIAMONDS, POWER GRINDING WHEELS CONTAINING DIAMONDS, PROFILE WHEELS CONTAINING DIAMONDS, FINGER BITS CONTAINING DIAMONDS AND POLISHING PADS CONTAINING DIAMONDS, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 7-29-2007; IN COMMERCE 7-29-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,497,482, 3,028,708, AND 3,083,811.

SN 77-241,273, FILED 7-27-2007.

KIMBERLY FRYE, EXAMINING ATTORNEY

EXHIBIT F



20507-0069935

CONTINENTAL DIA. DIAMOND PRODUCTS INC. San Carlos CA

EXHIBIT G



5-0510-10567679

TERMINATOR



TREME WITH ARIAN TECHNOLOGY

CONTINENTAL DIA DIAMOND PRODUCTS INC. SAN CARLOS, CA

EXHIBIT H



EXHIBIT I



TERMINATOR®
DIAMOND PRODUCTS



DIAMOND PRODUCTS, INC.

...Engineering Innovation



CUTTING – Bridge Saw Blades

TERMINATOR ZOOM 25 MM SILENT CORE BRIDGE SAW BLADES



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EXHIBIT J

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

United States Patent and Trademark Office

Reg. No. 3,500,842

Registered Sep. 16, 2008

**TRADEMARK
PRINCIPAL REGISTER**



**CONTINENTAL D.I.A. DIAMOND PRODUCTS,
INC. (CALIFORNIA CORPORATION)
653 PILGRIM DRIVE
FOSTER CITY, CA 94404**

**FOR: DIAMOND CONTAINING POWER SAW
BLADES FOR USE IN THE MARBLE GRANITE,
CONCRETE, ASPHALT, ROOFING AND TILE IN-
DUSTRY, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34
AND 35).**

FIRST USE 7-9-2007; IN COMMERCE 7-9-2007.

**THE MARK CONSISTS OF A FLAME PATTERN
ON THE FACE OF A SAW BLADE.**

SER. NO. 77-241,277, FILED 7-27-2007.

KIMBERLY FRYE, EXAMINING ATTORNEY

EXHIBIT K

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America



Form VA
For a Work of the Visual Arts
(UNITED STATES PATENT AND TRADEMARK OFFICE)
VA 1-225-714

EFFECTIVE DATE OF REGISTRATION

APR 16 2004

Month Day Year

DO NOT WRITE IN THESE SPACES. USE A SEPARATE CONTINUATION SHEET.

1

Title of This Work

NATURE OF THIS WORK See Instructions

FLAME PATTERN

Previous or Alternative Title

NONE

Publication as a Contribution If the work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared Title of Collective Work

N/A

If published in a periodical or serial give Volume Number Issue Date Ch. Pages

2

NOTE

Under this law, the "author" of a "work made for hire" is not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" or "No." If the answer is "Yes," give the employer (or other person by whom the work was prepared) as "author" of that part, and leave the space for date of birth and death blank.

NAME OF AUTHOR

a CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC.

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?

☒ Yes

☐ No

Author's Nationality or Domestic Name of Country

OR Citizen of

Domestic in **CALIFORNIA**

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es) See Instructions

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Name of Author

Date of Birth and Death

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

Author's Nationality or Domestic Name of Country

OR Citizen of

Domestic in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es) See Instructions

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

3

Year in Which Creation of This Work Was Completed

1999

This information must be given Year in all cases.

Date and Notice of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month **MAY**

Day **31**

Year **1999**

4

See Instructions before completing this space

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

CONTINENTAL D.I.. DIAMOND PRODUCTS, INC.

1300 Industrial Road, Suite 18

San Carlos, CA 94070-4130

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

N/A

APPLICATION RECEIVED
APR 16 2004

ONE DEPOSIT RECEIVED
APR 16 2004

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK • Complete all applicable spaces (numbers 1-9) on the reverse side of this page • See detailed instructions • Sign the form at the bottom

DO NOT WRITE IN THESE SPACES
Page 1 of 2 pages

EXAMINED BY *VP*

FORM 704

CHECKED BY

☐ CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes *(N/A)* If your answer is "Yes," why is another registration being sought? (Check appropriate box.) *7*☐ This is the first published edition of a work previously registered in unpublished form.☐ This is the first registration obtained by this author as copyright claimant.☐ This is a changed version of the work, as shown by spaces on this application.If your answer is "Yes," give Previous Registration Number *7*Year of Registration *7*

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6a for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates *7*

NONE

b. Material Claimed to This Work Give a brief, general statement of the material that has been added to the work and in which copyright is claimed. *7*

N/A

DEPOSIT ACCOUNT If this registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name *7*Account Number *7*

N/A

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/AUC/State/ZIP *7*Maria Salemi
653 Pilgrim Drive
Foster City, CA 94404Any state and federal tax identification numbers *7*

550-454-7494

Fax number *7*

(650) 345-6099

E-mail

msalemi@att.net

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one

☐ Author☐ Owner copyright claimant☐ Owner of exclusive rights☒ Authorized agent of Continental D.V.A. DiamondName of agent to whom power of attorney is given in support of this application *7*

of the work submitted in this application and that the statements made by me on this application are correct to the best of my knowledge.

Typed or printed name and date *7* If this application gives a date of publication in space 4, do not sign and submit a false date.

Maria Salemi

Date April 13, 2004

Registration statement (O) *7**Maria Salemi*Certificate
will be
mailed to
address
indicated
on this
applicationName *7*

Maria Salemi

Address/Street *7*

653 Pilgrim Drive

City/State/ZIP *7*

Foster City, CA 94404

Complete all mandatory sections

Sign your application in space 7

1. Application Fee

2. Identification: Sign this in block in block 2, attach a photocopy of the work or a photocopy of the work

3. Deposit material

Library of Congress

Copyright Office

101 Independence Avenue, S.E.

Washington, D.C. 20540-6000

WARNING: Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 402, or in any written statement filed in connection with the application, shall be fined not more than \$50,000.

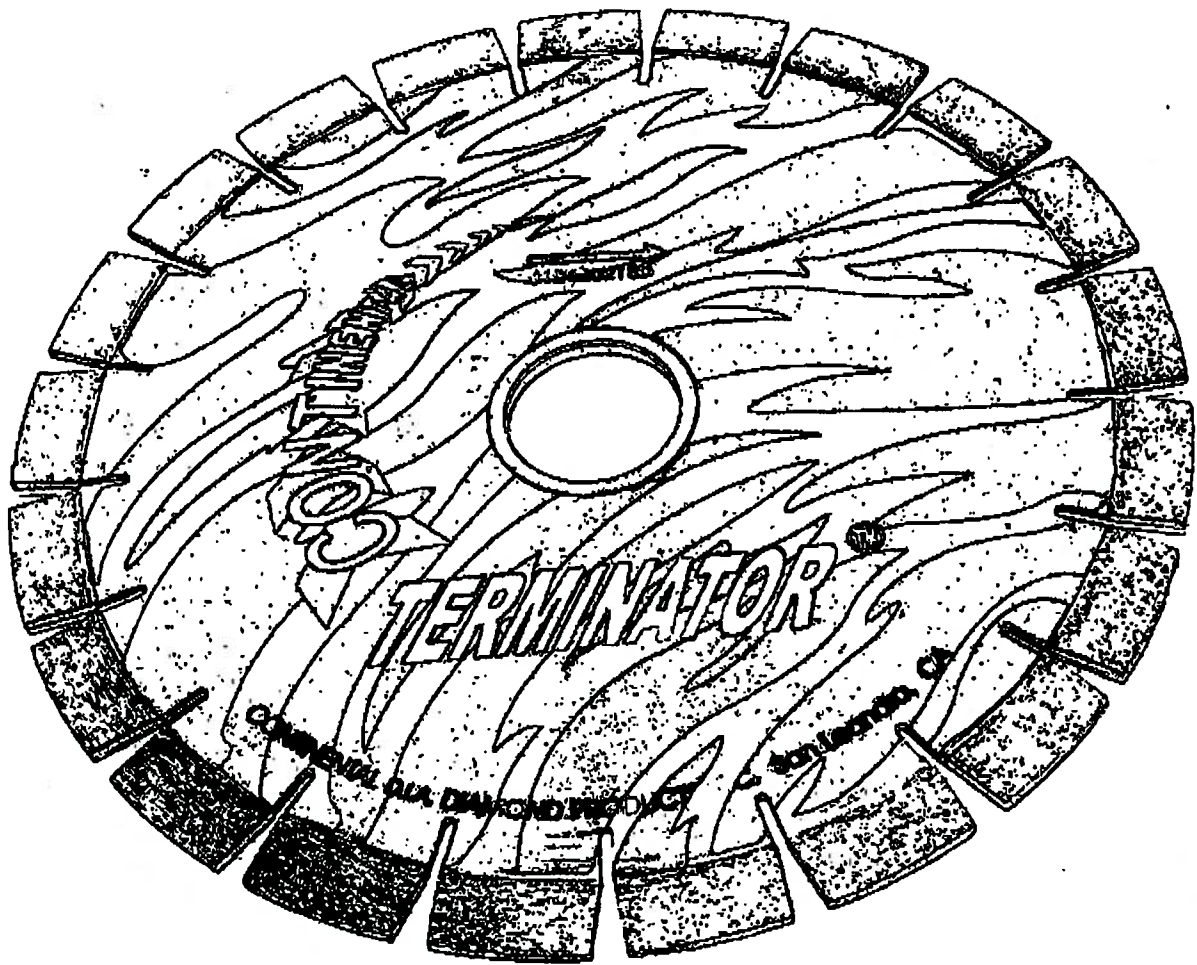




EXHIBIT L

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
Register of Copyrights, United States of America

Form VA
For a Work of the Visual Arts

VA 1-244-629



EFFECTIVE DATE OF REGISTRATION

MAR 7 2005
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Title of This Work ▼

NATURE OF THIS WORK ▼ See instructions

1
FLAME PATTERN

Previous or Alternative Title ▼

NONE

Publication as a Contribution: If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared: Title of Collective Work ▼

N/A

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Page ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

2
CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC.

Was this contribution to the work a "work made for hire"?
☒ Yes
☐ No

Author's Nationality or Domicile
Name of Country

OR
Citizen of
Domiciled in **California**

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ No

Pseudonym? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions

- | | | |
|---|---|---|
| <input type="checkbox"/> 3-Dimensional sculpture | <input type="checkbox"/> Map | <input type="checkbox"/> Technical drawing |
| <input checked="" type="checkbox"/> 2-Dimensional artwork | <input type="checkbox"/> Photograph | <input type="checkbox"/> Text |
| <input type="checkbox"/> Reproduction of work of art | <input type="checkbox"/> Jewelry design | <input type="checkbox"/> Architectural work |

Name of Author ▼

Dates of Birth and Death
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☐ No

Author's Nationality or Domicile
Name of Country

OR
Citizen of
Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ No

Pseudonym? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions

- | | | |
|--|---|---|
| <input type="checkbox"/> 3-Dimensional sculpture | <input type="checkbox"/> Map | <input type="checkbox"/> Technical drawing |
| <input type="checkbox"/> 2-Dimensional artwork | <input type="checkbox"/> Photograph | <input type="checkbox"/> Text |
| <input type="checkbox"/> Reproduction of work of art | <input type="checkbox"/> Jewelry design | <input type="checkbox"/> Architectural work |

Year in Which Creation of This Work Was Completed

2004
Year in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.
Month **SEPTEMBER** Day **13** Year **2004**
USA

3
4
COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC.
1300 Industrial Road, Suite 18
SAN CARLOS, CA 94070-4130

Transfer: If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

N/A

APPLICATION FOR REGISTRATION

MAR 07 2005

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

MAR 07 2005

FUNDS RECEIVED

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• Complete all applicable options (numbers 5-8) on the reverse side of this page.
• See detailed instructions.
• Sign the form at the bottom.

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Page 1 of 2

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FORM VA

CHECKED BY my☐ CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☒ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ☐a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.If your answer is "Yes," give Previous Registration Number ☐Year of Registration ☐

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6a for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ☐

NONE

See Instructions
for Copyright
Office
Form VAb. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ☐

N/A

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ☐Account Number ☐

N/A

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ☐Maria Salemi
653 Pilgrim Drive
Foster City, CA 94404

Applicable area telephone number (650) 464-7494

Fax number 650 345-6099

Email msalemi54@aol.com

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one ☐☐ author☐ owner of copyright/derivative☐ owner of exclusive rights☐ authorized agent of

Continental D.T.A. Diamond Products

Name of author to whom copyright claimant or owner of exclusive rights is

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ☐ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Maria Salemi

Date January 21, 2005

Handwritten signature (X) ☐x Maria SalemiCertificate
will be
mailed in
window
envelope
to this
address:Name ☐

Maria Salemi

Number/Street/Apt ☐

653 Pilgrim Drive

City/State/ZIP ☐

Foster City, CA 94404

• Complete all necessary spaces

• Sign your declaration in space 9

1. Application form

2. Nonrefundable filing fee in check or money

order payable to Register of Copyrights

3. Deposit material

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9

17 U.S.C. § 405(c) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 402, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

